

ITEM NO.48

COURT NO.1

SECTION IVA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 450/2013
(Arising out of impugned final judgment and order dated 21/11/2012
in WP No. 4340/2012 passed by the High Court of Karnataka at
Bangalore)

B.C. MYLARAPPA @CHIKKAMELURAPPA

Petitioner(s)

VERSUS

P.M. PARAMESWARAMURTHY AND ORS

Respondent(s)

(with appln. (s) for directions and interim relief and office
report)

WITH

S.L.P.(C)...CC No. 9250/2013

(With appln.(s) for c/delay in filing SLP and Office Report)

Date : 12/07/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s)

Mr. Gopal Subramaniam, Sr.Adv.

Mr. Anand Verma, Adv.

Mr. R.M.Patnaik, Adv.

Mr. M.Shailindra, Adv.

Mr. V.N. Raghupathy, Adv.

For Respondent(s)

Mr. Rajesh Mahale, Adv.

Mr. Krutin R. Joshi, Adv.

Mr. Balaji Srinivasan, Adv.

Mr. Gopal Singh, Adv.

Mr. V.N.Raghupathy, Adv.

UPON hearing the counsel the Court made the following

O R D E R

S.L.P. (C) No. 450/2013

Leave granted.

The civil appeal is disposed off in terms of the signed
order.

S.L.P. (C) No.20195/2016 .. CC No.9250/2013

Delay condoned.

Leave granted.

The civil appeal is disposed off in terms of the order passed in the connected civil appeal arising out of S.L.P. (C) No.450/2013.

(Ashok Raj Singh)
Court Master

(Veena Khera)
Court Master

(Signed Order is placed in the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6965 OF 2016
(Arising out of S.L.P. (C) No.450/2013)

B.C. MYLARAPPA @CHIKKAMELURAPPA APPELLANT(S)

VERSUS

P.M. PARAMESWARAMURTHY AND ORS. RESPONDENT(S)

WITH

CIVIL APPEAL NO. 6966 OF 2016
(@ S.L.P. (C) No.20195/2016..CC No.9250/2013)

O R D E R

C.A. No.6965/2016 @ S.L.P.(C) No.450/2013

Leave granted.

This appeal arises out of an order dated 21.11.2012 passed by the High Court of Karnataka at Bangalore whereby Writ Petition No.4340 of 2012 has been allowed and the appointment of the appellant as Registrar of the Bangalore University quashed.

It is in our opinion unnecessary to set out the factual matrix at length in view of the order that we propose to make in this appeal. All that we need say is that the writ petition filed by the respondents prayed for the removal of the appellant from the post of Registrar of

the University, *inter alia*, on the ground that the appellant was not qualified to be appointed to that post. The High Court formulated two main questions for its consideration, namely:-

- "(i) whether the respondent (appellant herein) did not possess the requisite qualification to be appointed as a Lecturer in accordance with the provisions of the University and therefore his appointment as a Registrar is vitiated, and
- (ii) whether the appointment of the sixth respondent after the appellant was appointed as a Registrar is arbitrary and is void for non consideration of his educational qualification and the material which was against him and also not in accordance with law."

Answering the first point in favour of the appellant the High Court held that the question regarding the appellant possessing the qualification required for appointment as a Lecturer stood concluded in favour of the appellant by an earlier judgment delivered by the High Court and affirmed by this Court in appeal. As regards the second question the High Court held that the appellant possessed the requisite qualification prescribed for the post of Registrar in terms of Section 17 of the Karnataka State Universities Act, 2000. Having said that the High Court went into the question whether a writ of quo warranto could

issue having regard to the principles of institutional integrity as laid down by this Court in Centre for PIL & Anr. vs. Union of India & Anr.[2011 (4) SCC 1]. The High Court answered that question in the affirmative and set aside the appointment of the appellant as Registrar on three distinct grounds summarized by the High Court in the following words:-

"(a) a Committee of experts has recorded a categorical finding that not only the sixth respondent has encouraged, colluded, connived with his student in plagiarism, but his thesis itself is a result of plagiarism;

(b) when his case was pending before the Supreme Court Court, he contested the General Election held to Karnataka Legislative Assembly, as an official candidate of a recognized political party, but lost the election. His party came to power in the said election. He succeeded in the Supreme Court. Then his party rewards him with appointment as Registrar;

(c) the concerned Minister of his party takes active role in (i) preventing initiation of COD enquiry, (ii) withdrawal of a complaint lodged by the University with jurisdictional police and (iii) filing of closure report by the police."

The High Court has on the above findings and conclusions quashed the appointment of the appellant as the Registrar of the Bangalore University. The present appeal as noticed above assails the correctness of the aforesaid impugned judgment passed by the High Court.

Mr. Gopal Subramaniam, learned senior counsel appearing for the appellant submitted that the appellant has consequent upon the quashing of his appointment as Registrar reverted back to his parent cadre and resumed duty as a Professor in the Department of Sociology in Bangalore University. He submits on instruction that the appellant is content with his lot and does not intend to revert back to resume the position of Registrar of the University even if this Court were to reverse the findings recorded by the High Court. He further submits that in the light of finding of the High Court that the appellant was qualified for appointment to the post of Registrar of the University, there was no question of the Court making any further enquiry into the validity of his appointment as Registrar by the High Court.

The appellant is as submitted at the bar no longer interested in reverting back to resume his position as Registrar of the University which renders any exercise into examining the correctness of the reasons for which the High

Court has set aside the appointment wholly academic. In that view, Mr.Gopal Subramaniam's submission that the judgment of this Court in Centre for PIL & Anr. (supra) is distinguishable and was confined to the peculiar facts and circumstances of that case also need not be examined by us. That question can and is left open for determination in a suitable case if an occasion to do so arises.

We accordingly dispose off this appeal leaving all issues regarding the suitability of the appellant for appointment as Registrar and the correctness of the grounds cited by the High Court in support of its order open. We also leave open the question whether the High Court could have in the peculiar facts and circumstances of the case relied upon the principle of institutional integrity to set aside the appointment. We make it clear that since the appellant does not propose to seek any appointment in future as Registrar of the University and for any other post in that University, questions regarding his eligibility and suitability become academic for the present but should any one be aggrieved of any appointment that the appellant may earn in future, this order shall not prevent the parties aggrieved from seeking such relief as may be available to them in accordance with law.

In the facts and circumstances of the case the parties are left to bear their own costs.

C.A.No.6966 of 2016 @ of SLP(C)No.20195/16..CC No.9250/2013

Delay condoned.

Leave granted.

This appeal is also disposed off in terms of the order passed in the connected civil appeal arising out of S.L.P.(C) No.450/2013.

.....CJI.
[T.S.THAKUR]

.....J.
[DR. D.Y. CHANDRACHUD]

NEW DELHI,
JULY 12, 2016.